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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,895	11/30/2005	Johannes Bergmann	2003P07420WOUS	4666
22116	7590	12/11/2008		
SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			EXAMINER WYLLIE, CHRISTOPHER T	
			ART UNIT 2419	PAPER NUMBER
			MAIL DATE 12/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/558,895

**Applicant(s)**

BERGMANN ET AL.

**Examiner**

CHRISTOPHER T. WYLLIE

**Art Unit**

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 4 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED OFFICE ACTION**

1. This action is responsive to the communication received September 3<sup>rd</sup>, 2008. Claims 1-3 were cancelled in a preliminary amendment. Claim 4 has been amended and claims 5-6 have been cancelled. This amendment has been entered and carefully considered. Claim 4 is again presented for examination.
2. Application 10/558,895 claims priority to German Application 103 24 603.7 (05/30/2004) and is a 371 of PCT/EP04/50948 (05/27/2004).
3. Applicant's arguments filed September 3<sup>rd</sup>, 2008 have been fully considered, but deemed to be moot in view of the new grounds of rejection which is necessitated by the amendment.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Putzolu et al. (US 7,203,740) in view of Hackney (US 7,359,984)

Regarding claim 4, Putzolu et al. discloses a method for relaying packets to an external control component assigned to a network node in a communication network **(column 6, lines 11-26 [the forwarding element sends packets to the external control component (see Figure 3, Control Element 230 and Forwarding Element 210 [the two elements are separate entities]))**), the communication network having a plurality of network nodes and switching packets **(column 5, lines 16-19 and column 6, lines 13-16 [the control element is responsible for one or more forwarding elements; the forwarding element can be a switch])**, the method comprising: receiving an in-band signaling packet at an external interface of the network node **(column 6, lines 11-26 [the forwarding element receives the signaling packet and forwards it to the control element; the control element is responsible for control functions such as signaling protocols])**; connecting the external interface to the external control component **(see Figure 3, Control Element 230, Forwarding Element 210, and Wire Format 220 [the two elements are connected via the wire format])**; identifying the packet based on a protocol field of a header in the packet **(column 4, lines 16-20 [the forwarding element is programmed to deliver all control traffic (IGMP) queries, RSVP packets and routing updates to the control element])**; and identifying the packet as an RSVP (Resource Reservation Protocol) type of packet **(column 4, lines 16-20 [the forwarding element is programmed to deliver all control traffic (IGMP) queries, RSVP packets and routing updates to the control**

**element [these packets usual have indication within the header that describe the type of packet]]].** Putzolu et al. et al. is silent regarding inserting a value uniquely assigned to the receiving external interface into a field of the header the value different than another value assigned to a non-receiving external interface of the network node; modifying a DSCP (Differentiated Services Code Point) field in the header of the packet as a function of the receiving external interface, wherein the DSCP field contains the value uniquely assigned to the receiving external interface; and routing the modified packet to the external control component connected to the external interface and thus relaying Internet Protocol (IP) packets to the external control component assigned to the network node. Hackney discloses such features (**column 2, lines 61-64 and column 3, lines 45-55, and column 4, lines 61-67 [Hackney discloses that the packet can be an IP packet; the DCHP field of the packet is modified to be used for a non-intended use such as identifying a destination address that the packet will be routed to; the destination address in this case can be used to identify the address of the control element of Putzolu et al.; also, the function of the router is to change the DSCP field of the packet to a destination address]]**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of Hackney into the system of Putzolu et al. The method of Hackney can be implemented by enabling the forwarding element to modify the DSCP field of the IP packet. The motivation for this is to indicate that the packet will be forwarded to the control element for further processing.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTOPHER T. WYLLIE** whose telephone number is (571) 270-3937. The examiner can normally be reached on Monday through Friday 8:30am to 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher T. Wyllie/  
Examiner, Art Unit 2419

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2419